

**FORMS TO BE COMPLETED BY PRISONERS FILING A CIVIL RIGHTS  
COMPLAINT UNDER 42 U.S.C. § 1983 or 28 U.S.C. § 1331**

**1: CV 00-1224**  
**COVER SHEET**

THIS COVER SHEET CONTAINS IMPORTANT INFORMATION ABOUT FILING A COMPLAINT AND YOUR OBLIGATIONS IF YOU DO FILE A COMPLAINT. READ AND COMPLETE THE COVER SHEET BEFORE YOU PROCEED FURTHER.

**RECEIVED  
SCRANTON**

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The cost for filing a civil rights complaint is \$150.00.

JUN 26 2000

If you do not have sufficient funds to pay the full filing fee of \$150.00 you need permission to proceed *in forma pauperis*. However, the court will assess and, when funds exist, immediately collect ~~an additional partial~~ filing fee of 20 percent of the greater of:

- 1) the average monthly deposits to your prison account for the past six months; or
- 2) the average monthly balance in your prison account for the past six months.

Thereafter, the institution in which you are incarcerated will be required to make monthly payments of 20% of the preceding month's deposits credited to your account until the entire filing fee is paid.

**CAUTION: YOUR OBLIGATION TO PAY THE FULL FILING FEE WILL CONTINUE REGARDLESS OF THE OUTCOME OF YOUR CASE, EVEN IF YOUR COMPLAINT IS DISMISSED BEFORE THE DEFENDANTS ARE SERVED.**

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1. You shall file a complaint by completing and signing the attached complaint form and mailing it to the Clerk of Court along with the full filing fee of \$150.00. (In the event attachments are needed to complete the allegations in the complaint, no more than three (3) pages of attachments will be allowed.) If you submit the full filing fee along with the complaint, you **DO NOT** have to complete the rest of the forms in this packet. Check here if you are submitting the filing fee with the complaint form. ✓

2. If you cannot afford to pay the fee, you may file a complaint under 28 U.S.C. § 1915 without paying the full filing fee at this time by completing the following: (1) Complaint Form; (2) Application To Proceed In Forma Pauperis; and (3) Authorization Form. You must properly complete, sign and submit all three standard forms or your complaint may be returned to you by the Clerk of Court. Check here if you are filing your complaint under 28 U.S.C. § 1915 without full prepayment of fees. ✓

**Please Note:** If your case is allowed to proceed and you are awarded compensatory damages against a correctional facility or an official or agent of a correctional facility, the damage award will first be used to satisfy any outstanding restitution orders pending. Before payment of any compensatory damages, reasonable attempts will be made to notify the victims of the crime for which you were convicted concerning payment of such damages. The restitution orders must be fully paid before any part of the award goes to you.

**DO NOT DETACH THE COVER SHEET FROM THE REST OF THE FORMS**

Aption

PLANTIFF

1: CV 00-1224

①  
7/12/00  
nj

CHARLES E. Brown

# 008614

2nd & Sanderson Street

Pottsville PA 17901

FILED  
SCRANTON

JUL 10 2000

-VS-

Defendants.

PER h  
DEPUTY CLERK

1. County of Schuylkill, individually and in it's official Capacity as Director of Schuylkill County.
2. Schuylkill County Prison Board Members, individually and in it's official capacity AS Prison Board
3. Schuylkill County Prison, individually and in it's official capacity as Director of Schuylkill County Prison.
4. Gerald Britton, individually and in his official capacity as Warden of Schuylkill County Prison.
5. William Baldwin, individually and in his official capacity as Prison Board member.

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- 6) Forrest L Shadle, individually and in his official capacity as a member of Schuylkill County Prison Board.
- 7) Jerome P. Knowles, individually and in his official capacity as a member of Schuylkill County Prison Board.
- 8) Stanley Tobash, individually and in his official capacity as a member of Schuylkill County Prison Board.
- 9) Eugene Berdanier, individually and in his official capacity as Deputy Warden of Schuylkill County Prison.
- 10) Anthony Kankowski, individually and in his official capacity as Supervisor of Schuylkill County Prison.
- 11) David J Kurtz, individually and in his official capacity as warden of Schuylkill County Prison.

## FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

# 008614

(Inmate Number)

Charles Brown

(Name of Plaintiff)

Schuylkill County Prison

730 Sanderson St

(Address of Plaintiff)

Pottsville PA 17901

(Case Number)

## COMPLAINT

vs.

County of Schuylkill

et al.

see attached sheets

(Names of Defendants)

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

## I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

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## II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?

☐ Yes ☒ No

- B. Have you filed a grievance concerning the facts relating to this complaint?

☐ Yes ☒ NoIf your answer is no, explain why not No grievance procedure existsin Schuylkill County Prison

- C. Is the grievance process completed? ☐ Yes ☒ No

#### IV "Statement of Claim"

A) Between plaintiff Charles Brown had been forced to be housed in single bunk cell with another individual forcing Brown to sleep on cell floor w/ mattress, with no effort of defendants to correct problem.

B) Between plaintiff Brown had been forced to reside in cell/cell block with human feces and other bodily fluids on walls, floors, etc. and no effort by defendants to correct such.

C) From until present plaintiff Brown is housed in cells/cell block in which is infested with various types of bugs/insects and/or vermin

D) At various times between plaintiff Charles Brown had been denied outside yard (Recreation while an inmate in the disciplinary lock-up unit (E-Block) of the Schuylkill County Prison, and on other occasions, had been denied right to recreation time, "yard time"

IV

E) While confined in E-Block of Schuylkill County Prison, the disciplinary lock-up unit, Brown had been denied his right to due-process on several occasions by prison employees/defendants by placing Brown in pre-hearing confinement without proper justification as Brown had not been a threat to prison security, self or others thus serving no penological interest.

F) Wherefore, plaintiff Charles Brown alleges all defendants acted with gross negligence as they knew conditions of confinement on Cell Block-E, the disciplinary lock-up unit of Schuylkill County Prison, and had shown deliberate indifference by placing Brown in areas with feces and other body fluids on walls etc, causing Brown to feel degraded, humiliated, resulting in emotional stress, mental anguish and cruel and unusual punishment.

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant see attached sheets is employed  
as \_\_\_\_\_ at \_\_\_\_\_

B. Additional defendants see attached sheets  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. see attached sheets  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Part III

- A) Def. Schuylkill County is employed as director of Schuylkill County at Schuylkill County Court House 401 N 2<sup>nd</sup> St. Pottsville PA 17901.
- B) Def. Schuylkill County Prison is employed as director of Schuylkill County Prison at Schuylkill County Prison 230 Sanderson St Pottsville PA 17901.
- C) Def. Schuylkill County Prison Board Members, are employed as Governing Body of Schuylkill County Prison At Schuylkill County Prison 230 Sanderson St, Pottsville PA 17901.
- D) Def. Francis V. McAndrew is employed as a member of Schuylkill County Prison Board at Schuylkill County Prison 230 Sanderson St, Pottsville PA 17901.
- E) Def. Forrest L. Snadle is employed as a member of Schuylkill County Prison Board at Schuylkill County Prison 230 Sanderson St Pottsville PA 17901.
- F) Def. Jerome P. Knowles is employed as a member of Schuylkill County Prison Board at Schuylkill County Prison 230 Sanderson St, Pottsville PA 17901.



III

G) Det. Stanley H. Tobash is employed as a member of the Schuylkill County Prison Board at Schuylkill County Prison 230 Sanderson St Pottsville PA 17901.

H) Det. William Baldwin is employed as a member of the Schuylkill County Prison Board at Schuylkill County Prison 230 Sanderson St. Pottsville PA 17901.

I) Det. David J. Kurtz. is employed as Warden of the Schuylkill County Prison at Schuylkill County Prison 230 Sanderson St Pottsville PA 17901

J) Det. Gerald Britton is employed as Warden of the Schuylkill County Prison at Schuylkill County Prison 230 Sanderson St, Pottsville PA 17901.

K) Det. Eugene Berdancer is employed as Deputy Warden of the Schuylkill County Prison at Schuylkill County Prison 230 Sanderson St, Pottsville PA 17901

L) Det. Anthony Kankowski is employed as Supervisor of the Schuylkill County Prison at Schuylkill County Prison 230 Sanderson St. Pottsville PA 17901.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1.

See attached sheets

2.

3.

Signed this 26 day of May, <sup>2000</sup>~~19~~.

Charles Brown  
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

5-26-00  
(Date)

Charles Brown  
(Signature of Plaintiff)

## Part V Legal Claims

1) Defendants threats to punish plaintiff for taking legal action, and their threats to punish prisoners who submitted affidavits on behalf of plaintiff, violated plaintiffs Rights of meaningful access to the courts, which is guaranteed by the Due Process Clause of the 14<sup>th</sup> Amendment.

2) The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which plaintiff seeks.

WHEREFORE, plaintiff respectfully prays that this court enter judgement granting plaintiff:

1) A declaratory judgement that the defendants acts, policies and practices described herein violate plaintiffs Rights under the United States Constitution.

2) A preliminary and permanent injunction which:

A) requires defendants to remove from plaintiffs prison files any write-ups or other reports concerning the events described herein and any references to plaintiffs prohibiting defendants from permitting any such reports to be repleated in plaintiffs files anytime in the future.

B) PLANTIFFS, AS THAT COURT ORDER SCH. Co. PRISON

THIS CASE OF CONDITIONS WHEREAS PLAINTIFF  
SLEP IN HUMAN WASTE.

- 5) Punitive damages of \$200,000 to each plaintiff from defendants
- 6) Plaintiff cost of this suit.
- 7) Such other and further relief as this court may deem just, proper and equitable.
- 8) Trial by jury in all issues triable by jury.
- 9) Order of court declaring Schuylkill County Prison in violation of health codes and additional order directing prison to correct violation immediately.
- 10) A) U.S. Marshal to oversee correction of all violation of Schuylkill County Prison.  
B) U.S. Marshal to oversee confinement of plaintiff to ensure against retaliation of prison employees.

IV

B) Prohibits defendants, their agents, employees, successors, in interest and all other persons in active concert or participation with them, from harassing, threatening, punishing or retaliating in any way against the plaintiff because they filed this action or against any other prisoners because they submitted affidavits in this case on behalf of plaintiff, or from transferring plaintiff to any other institution without their expressed consent during the pendency of this action.

2) Requires defendants to allow plaintiff and other prisoners to

- 1) engage in any oral or written communication which is reasonably related to the conduct of this suit, including the preparation of affidavits on behalf of plaintiff;
- 2) to confer with co-plaintiffs and prepare legal papers, and for anything else, consistent with prison security, which is reasonably connected with the conduct of this suit.

3) Compensary damages in the amount of \$200,000 to plaintiff and                      to plaintiff from all defendants and each of them except defendant members of Adult Authority

4) Monetary damages deemed appropriate by this court and/or jury, for mental anguish, stress and cruelty plaintiff endor not to exceed \$200,000, nor below \$100,000.